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Bureau de la sécurité des transports
du Canada



ANNUAL REPORT TO PARLIAMENT ON THE APPLICATION OF THE ACCESS TO INFORMATION ACT

01 APRIL 2008 TO 31 MARCH 2009

Canada



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Transportation Safety Board
of Canada



Bureau de la sécurité des transports
du Canada

Executive Director

Directeur exécutif

Place du Centre
200 Promenade du Portage
4th Floor
Gatineau, Quebec
K1A 1K8

18 June 2009

The Honourable Josée Verner
President of the Queen's Privy Council for Canada
House of Commons
Ottawa, Ontario
K1A 0A6

Honourable Minister:

In accordance with section 72 of the *Access to Information Act*, the Transportation Safety Board of Canada is pleased to submit to Parliament this report on activities relating to the application of the Act for the period 01 April 2008 to 31 March 2009.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerard McDonald".

Gerard McDonald

Canada

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1.0 Introduction

Pursuant to section 72 of the *Access to Information Act*, the TSB is pleased to table in Parliament this report on its activities relating to the application of the Act. The report covers the period from 01 April 2008 to 31 March 2009.

The purpose of the *Access to Information Act* is to provide a right of access to information in records under the control of government institutions such as the Transportation Safety Board of Canada (TSB).

The *Canadian Transportation Accident Investigation and Safety Board Act* provides the legal framework that governs TSB activities. Our mandate is to advance transportation safety in the marine, pipeline, rail and air modes of transportation by

- conducting independent investigations, including public inquiries when necessary, into selected transportation occurrences in order to make findings as to their causes and contributing factors;
- identifying safety deficiencies, as evidenced by transportation occurrences;
- making recommendations designed to eliminate or reduce any such safety deficiencies; and
- reporting publicly on our investigations and on the findings in relation thereto.

During the reporting period, the TSB completed various projects associated with the review of its A-base budget. These projects have led to some organizational structure adjustments and a realignment of departmental governance committees. These changes have had no impact on TSB programs other than to improve their efficiency.

More information on the TSB is available at www.tsb.gc.ca.

The TSB's administration of its Access to Information and Privacy (ATIP) activities is in accordance with the government's stated principles that government information should be available to the public with only specific and limited exceptions. Furthermore, the TSB treats personal information in compliance with the code of fair information practice expressed in the *Privacy Act*.

The ATIP function of the TSB operates within the Information Management (IM) Division of Corporate Services. This ensures effective integration of ATIP requirements into IM planning, policy development, records management systems and practices, and training and awareness activities. The ATIP Office deals with both formal requests made pursuant to the *Act* and informal requests, and provides functional advice and guidance to managers and employees concerning the release of information and protection of privacy.

The ATIP Office participated this year in an interdepartmental working group, led by Treasury Board Secretariat (TBS), tasked with revising the statistical information that institutions are required to submit to TBS on an annual basis. This information, which we will continue to report on in our annual report to Parliament, will allow us to better track and describe TSB ATIP activities and trends.

2.0 *Delegation of Authority*

As required by the legislation, a delegation of authority is in place. For the purposes of the *Privacy Act*, the “head of the institution” as defined in section 3 of the Act is the Executive Director. The Director General, Corporate Services, and the Manager, Information Management Division, have been delegated powers by the Executive Director deemed appropriate for the effective administration of the programs and to ensure that the TSB meets all its obligations fairly and consistently.

A copy of the Delegation Order is attached as Appendix A.

3.0 *Formal Requests*

3.1 *Disposition of Requests*

Fifty-two (52) requests were received under the *Access to Information Act* and twenty eight (28) requests were brought forward from the previous fiscal year. Fifteen (15) requests have been carried forward to the next fiscal year.

Sixty-Five (65) requests were completed during the current reporting period. Of these, records were fully disclosed to eight (8) applicants. Records pertaining to forty-seven (47) requests were released with some portions exempted under sections 16(1)(c)(iii), 19(1), 20(1)(a), (b), (c) and (d), 21(1) (a) and (b), and sections 22, 23 and 24 of the *Act*. Records did not exist for five (5) requests, two (2) requests were transferred to other federal government institutions, one (1) was excluded and two (2) were fully exempt from disclosure.

3.2 *Clients*

The majority of new requests, twenty seven (27), came from business/legal firms representing clients who are affected by or involved in transportation occurrences. Twelve (12) requests were received from media sources. Nine (9) requests were received from members of the public, three (3) from organizations and one (1) from academia.

3.3 *Processing of Requests*

The number of requests received by the ATIP Office in 2008-2009 decreased by twenty (20) compared to the number received in 2007-2008. The number of completed requests increased by nine (9) compared with 2007-2008.

The ATIP Office makes every possible effort to process all requests within the 30-day time limit as required by the legislation. Of the sixty-five (65) requests processed during the reporting period, thirty-three (33) were completed within the 30-day limit, twenty-three (23) were completed in 31 to 120 days, and nine (9) took longer than 121 days to complete.

The average time taken to process a request during the 2008-2009 reporting period was 50.8 calendar days, compared with last year's average of 44.4 days. Factors affecting average processing time include number and type of requests received, number of consultations, number of pages reviewed and number and type of consultations required during the reporting period.

During this period, the ATIP Office was involved in the search, preparation and review of 48,253 pages of information and the reproduction and release of 24,531 pages of information, including reprints of photographs, videotapes and CD-ROM disks containing photographs. Last year, 8,354 pages were reviewed and 7,565 pages were released.

4.0 Fees and Costs

In accordance with the TSB ATIP fee policy implemented on 01 January 2001, the TSB collected \$345.00 in fees during 2008-2009. The TSB maintains the right to waive fees, and the decision to reduce or waive fees is made on a case-by-case basis according to the criteria outlined in its ATIP fees policy. Like most departments, the TSB waives the requirement to pay fees, other than the application fee, if the amount payable is less than \$25.00.

During 2008-2009, the ATIP Office incurred an estimated \$177,080 in costs to administer the *Access to Information Act*. These costs do not include the resources expended by other areas of the TSB to meet the requirements of the *Act*.

5.0 Other Requests

The ATIP Office received twenty-seven (27) consultation requests from other departments involving TSB records in 2008-2009, compared with 22 last year.

One hundred and fifty-nine (159) informal requests were received during the reporting period, compared with ninety-four (94) last year. The ATIP Office reviewed 14,931 pages of information and released 12,916 pages to requesters, compared with 9,164 pages released last year. These figures do not include simple information requests responded to directly by the Communications Division, the Macro-Analysis Division and other areas of the TSB at Head Office or in the regional offices.

In addition, many publications — such as investigation reports, safety studies, statistical reports, communiqués, investigation updates, and annual reports, including ATIP reports — are available on the TSB website.

6.0 *Complaints and Investigations*

One of two outstanding complaints from previous reporting periods was filed with the Office of the Information Commissioner (OIC) during the 2003-2004 reporting period. It concerned the TSB's decision to withhold all records pursuant to subsections 16(1) and 19(1) and section 24 of the *Access to Information Act*, in response to a request for copies of the reports made to the TSB Confidential Reporting System, Securitas, regarding air and rail occurrences for the period 01 September 2002 to 01 August 2003. In an attempt to resolve the complaint, the TSB had created and provided the requester with brief summaries of each report in the 2003-2004 reporting period. At the request of the OIC, the TSB provided a letter of representations on its position to the OIC in 2005-2006. The TSB met with the OIC Investigator to discuss the complaint on 10 July 2008, but as of the end of the current reporting period, a response from the OIC was still outstanding.

The second outstanding complaint was filed with the OIC in 2007-2008. It pertained to the TSB's decision to withhold some records pursuant to subsection 19(1) of the Act, in response to a request for information on a marine occurrence. The complaint pertained to two (2) pages contained in the response package. The TSB subsequently obtained written authorization from the parties for the release of their information, and the two pages were then released to the complainant with no severances. The complaint has been resolved.

One complaint was filed with the OIC during the current reporting period. The complaint pertained to an extension of sixty (60) days taken under paragraph 9(1)(a) of the Act. The TSB received the request on 27 March 2008. On 24 April, the TSB notified the applicant that an additional sixty (60) days beyond the original thirty (30) days was required to complete the processing of the request. The complaint, received at the OIC on 01 May 2008, stated that the time extension taken by the department was excessive.

Paragraph 9(1)(a) of the Act states that an institution may extend the time limit if the request is for a large number of records or necessitates a search through a large number of records and meeting the original time limit would unreasonably interfere with its operations. The OIC's investigation revealed that the TSB had identified a large number of responsive records (approximately 3,000 pages) and provided evidence that processing this request within 30 days would have unreasonably interfered with TSB operations. The complaint has been resolved and recorded by the OIC as not substantiated.

7.0 *Appeals to the Courts*

There were no appeals before the Courts in the current reporting period.

8.0 *Training and Education*

On-the-job training is provided to TSB ATIP staff on an ongoing basis. ATIP staff attended the annual Canadian Access and Privacy Association workshop, as well as various workshops organized by the Treasury Board Secretariat throughout the fiscal year. These workshops provided ATIP staff with valuable information on trends and best practices within the ATIP community, updates on recent complaints and court cases, and tools to help improve service standards within the field.

During the reporting period, the ATIP Office provided training to employees in Corporate Services Directorate and at the Annual Marine Branch Operations Meeting. Approximately 60 TSB employees participated in these two sessions.

The IM Division plans to provide employee training sessions on ATIP and Records Management in all TSB offices in 2009-2010.

9.0 *Statistics Required by Treasury Board*

The statistics required by the Treasury Board Secretariat are found in Appendix B.

Appendix A – Delegation Order

Transportation Safety Board
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DESIGNATION ORDERS

Access to Information Act

The Executive Director, pursuant to Section 73 of the *Access to Information Act*, hereby designates the persons holding the positions of Director General, Corporate Services and Manager, Information Management Division, Corporate Services, or the persons occupying on an acting basis those positions, to exercise the powers and perform the duties and functions of the Executive Director as the head of a government institution under the *Act*.

A handwritten signature in cursive script, appearing to read 'Gerard McDonald'.

Gerard McDonald
Executive Director

Date: 11 June 2007

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Appendix B – Statistical Report

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REPORT ON THE ACCESS TO INFORMATION ACT RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

Institution		TRANSPORTATION SAFETY BOARD OF CANADA BUREAU DE LA SÉCURITÉ DES TRANSPORTS			Reporting period / Période visée par le rapport 4/1/2008 to/à 3/31/2009	
Source	Media / Médias	Academia / Secteur universitaire	Business / Secteur commercial	Organization / Organisme	Public	
	12	1	27	3	9	

I Requests under the Access to Information Act Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period Reçues pendant la période visée par le rapport	52
Outstanding from previous period En suspens depuis la période antérieure	28
TOTAL	80
Completed during reporting period Traitées pendant la période visée par le rapport	65
Carried forward Reportées	15

II Disposition of requests completed Disposition à l'égard des demandes traitées

1. All disclosed Communication totale	8	6	Unable to process Traitement impossible	5
2. Disclosed in part Communication partielle	47	7	Abandoned by applicant Abandon de la demande	0
3. Nothing disclosed (excluded) Aucune communication (exclusion)	1	8	Treated informally Traitement non officiel	0
4. Nothing disclosed (exempt) Aucune communication (exemption)	2	TOTAL		65
5. Transferred Transmission	2			

III Exemptions invoked Exemptions

S. Art. 13(1)(a)	0	S. Art. 10(1)(a)	1	S. Art. 18(b)	0	S. Art. 21(1)(a)	2
(b)	0	(b)	0	(c)	0	(b)	1
(c)	0	(c)	27	(d)	0	(c)	0
(d)	0	(d)	0	S. Art. 19(1)	41	(d)	0
S. Art. 14	0	S. Art. 18(2)	0	S. Art. 20(1)(a)	10	S. Art. 22	2
S. 15(1) International rel. Relations intern.	0	S. Art. 16(3)	0	(b)	14	S. Art. 23	2
Defence Défense	0	S. Art. 17	0	(c)	9	S. Art. 24	2
Subversive activities Activités subversives	0	S. Art. 18(a)	0	(d)	5	S. Art. 26	0

IV Exclusions cited Exclusions citées

S. Art. 68(a)	1	S. Art. 69(1)(c)	0
(b)	0	(d)	0
(c)	0	(e)	0
S. Art. 69(1)(a)	0	(f)	0
(b)	0	(g)	0

V Completion time Délai de traitement

30 days or under 30 jours ou moins	33
31 to 60 days De 31 à 60 jours	18
61 to 120 days De 61 à 120 jours	5
121 days or over 121 jours et plus	9

VI Extensions Prorogations des délais

	30 days or under 30 jours ou moins	31 days or over 31 jours ou plus
Searching Recherche	0	5
Consultation	4	3
Third party Tiers	0	5
TOTAL	4	13

VII Translations Traductions

Translations requested Traductions demandées	0
Translations prepared Traductions préparées	0
English to French De l'anglais au français	0
French to English Du français à l'anglais	0

VIII Method of access Méthode de communication

Copies given Copies de l'original	55
Examination Examen de l'original	0
Copies and examination Copies et examen	0

IX Fees Frais

	Net fees collected Frais nets perçus	
Application fees Frais de la demande	\$185.00	Preparation Préparation \$0.00
Reproduction	\$160.00	Computer processing Traitement informatique \$0.00
Searching Recherche	\$0.00	TOTAL \$345.00
Fees waived Dispense de frais		No. of times Nombre de fois \$
\$25.00 or under 25 \$ ou moins		0 \$0.00
Over \$25.00 De plus de 25 \$		1 \$100.00

X Costs Coûts

	Financial (all reasons) Financiers (raisons) (\$000)
Salary Traitement	174,800.0
Administration (O and M) Administration (fonctionnement et maintien)	2,280.0
TOTAL	177,080.0
	Person year utilization (all reasons) Années-personnes utilisées (raisons)
Person year (decimal format) Années-personnes (nombre décimal)	3.55



